

**ENTERED**

September 09, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

APOLONIO HERNANDEZ,

Plaintiff,

VS.

COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION, *et al*,

Defendants.

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CIVIL ACTION NO. 4:16-CV-3325

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

Pending before the Court in the above referenced proceeding is Defendant's Motion for Summary Judgment (Doc. No. 14); Judge Stacy's Memorandum and Recommendation (Doc. No. 18) that the Court grant the Defendant's Motion for Summary Judgment and affirm the decision of the Commissioner; and Plaintiff's Objections (Doc. No. 19) to the Memorandum and Recommendation. The Court notes that Plaintiff did not file a motion for summary judgment, nor did he respond to Defendant's Motion for Summary Judgment although he was given additional time within which to do so.

The Court has reviewed the case, *de novo*, and agrees with the Magistrate Judge's conclusion that the Administrative Law Judge and the Commissioner properly used the guidelines set out by the Social Security Administration which found that Hernandez was not disabled within the meaning of the Act, that substantial evidence supports the Administrative law Judge's decision, and that the Commissioner's decision should be affirmed. Accordingly, it is hereby


**ORDERED** that Plaintiff Apolonio Hernandez's Objections (Doc. No. 19) are **OVERRULED**; the Memorandum and Recommendation (Doc. No. 18) is **ADOPTED**;

Defendant's for Summary Judgment (Doc. No. 14) is **GRANTED**; and the Commissioners decision is **AFFIRMED**. It is further

**ORDERED** that Plaintiff's case is **DISMISSED WITH PREJUDICE**.

Entry of this Order shall constitute entry of Final Judgment.

SIGNED at Houston, Texas, this 9<sup>th</sup> day of September 2019.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', is written over a horizontal line.

ANDREW S. HANEN  
UNITED STATES DISTRICT JUDGE